



PATENT  
Attorney Docket No.: **FOM-139.01**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Champion, et als.

Application No: 10/657,938

Art Unit: 2858

Filed: September 9, 2003

Examiner: NYA

For: Characterizing Substances with Multistatic  
Probes

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 25, 2004.

Shirine Darvish  
Shirine M. Darvish

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Information Disclosure Statement Under 37 C.F.R. §§ 1.56 and 1.97 (2 pages);
2. Form 1449A (PTO/SB/08a) (1 page);
3. International Search Report (4 pages);
4. Reference AA; and
5. Return Receipt Postcard.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT  
DOCKET NO. FOM-139.01

In re Application of: Champion, et al.

Application No: 10,657,938

Filed: September 9, 2003

For: Characterizing Substances with  
Multistatic Probes

Art Unit: 2858

Examiner: NYA

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.56 and 1.97

Dear Sir:

Submitted herewith on Form PTO-1449A is a listing of documents known to Applicants and/or their Attorney in compliance with the requirements of 37 C.F.R. § 1.56. A copy of the French patent (Reference AA) is also being submitted. Applicants respectfully request that the Examiner consider the listed documents and indicate they were considered by making appropriate notations on the attached Form PTO-1449A.

In compliance with the requirements of 37 C.F.R. §§ 1.56 and 1.97, Applicants have cited for the Examiner's consideration co-pending U.S. patent applications that are owned at least in part by the assignee of this application and that describe subject matter related to the present application. The co-pending applications are listed herewith in accordance with M.P.E.P. 609 III.D which states: "Applicants may wish to list U.S. patent application numbers on other than Form PTO-1449 or PTO/SB/08A format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the Examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

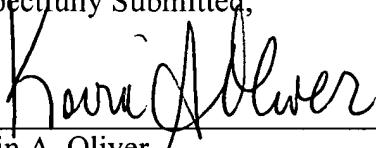
No copies of the co-pending applications have been provided. If the Examiner wishes to have copies of the co-pending applications and/or copies of associated Office Actions, the Examiner should contact the Attorney of record.

| Our Docket # | Serial #   | Date Filed        | Title   |
|--------------|------------|-------------------|---|
| FOM-139.02   | 10/658,583 | September 9, 2003 | Determining Levels of Substances Using Multistatic Probes |
| FOM-139.03   | 10/658,005 | September 9, 2003 | Measuring Distances Using Multistatic Probes              |

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that the cited documents are material or constitute "prior art." If the Examiner applies the listed documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the claimed subject matter over the listed documents, should one or more of the referenced documents be applied against the claims of the present application.

The Commissioner is hereby authorized to charge any fee or credit any overpayment to  
**Deposit Account No. 06-1448, Ref. FOM-139.01.**

Respectfully Submitted,

  
\_\_\_\_\_  
Kevin A. Oliver  
Reg. No. 42,049  
Attorney for Applicants

Date: March 25, 2004

**Customer No: 25181**  
Patent Group  
Foley Hoag LLP  
155 Seaport Blvd.  
Boston, MA 02110  
Tel. (617) 832-1000  
Fax (617) 832-7000



PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

|       |   |    |   |                        |            |
|-------|---|----|---|------------------------|------------|
| Sheet | 1 | of | 1 | Attorney Docket Number | FOM-139.01 |
|-------|---|----|---|------------------------|------------|

**Complete if Known**

|                      |                        |
|----------------------|------------------------|
| Application Number   | 10/657,938             |
| Filing Date          | September 9, 2003      |
| First Named Inventor | Champion, James Robert |
| Art Unit             | 2858                   |
| Examiner Name        | NYA                    |

| U.S. PATENT DOCUMENTS |                       |  |                                |  |   |
|-----------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number                            | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of<br>Cited Document | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear |
|                       |                       | Number - Kind Code <sup>2</sup> (if known) |                                |  |   |
| BA                    | US-5,841,028A         | 11-24-1998                                 | Belcher, Timothy Lloyd, et al. |  |   |
| BB                    | US- 6,229,476B1       | 05-08-2001                                 | Thoren, Werner, et al.         |  |   |
| BC                    | US- 3,208,281A        | 09-28-1965                                 | Kalmus, Henry P., et al.       |  |   |

| FOREIGN PATENT DOCUMENTS |                       |   |                                |   |  |                |
|--------------------------|-----------------------|---|--------------------------------|---|--|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known) |                                |   |  |                |
| AA                       |                       | FR 2 763 682 A  | 11-27-1998                     | Comm<br>Composants<br>Soc Ind                         |  |                |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.